

SENATE BILL NO. 368

INTRODUCED BY COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT, WITH RESPECT TO THE WORKERS' COMPENSATION SUBSEQUENT INJURY FUND, THAT AN EMPLOYER HIRING OR RETAINING A CERTIFIED PERSON WITH A DISABILITY FILE INFORMATION WITH THE DEPARTMENT; ~~AND PROVIDING CONDITIONS FOR SUBSEQUENT INJURY FUND ELIGIBILITY; AMENDING SECTION 39-71-905, MCA; REPEALING SECTION 39-71-906, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 39-71-905, MCA, IS AMENDED TO READ:

"39-71-905. Certification as person with a disability -- eligibility for benefits under fund. (1) A person who wishes to be certified as a person with a disability for purposes of this part shall apply to the department on forms furnished by the department. The department shall conduct an investigation and shall issue a certificate to a person who, in the department's discretion, meets the requirements for certification. A person shall apply for certification before employment or within 60 days after the person becomes employed or reemployed and before an injury occurs that is covered by this part. The certification is effective on the date of employment or reemployment. Certification is effective on the date the application is approved for a person who applies for certification more than 60 days after employment or reemployment, but before an injury occurs.

(2) If a claimant has met the provisions of subsection (1) and a subsequent claim has been accepted by an insurer, the claim is eligible for the benefits under the fund.

NEW SECTION. Section 2. Repealer. Section 39-71-906, MCA, is repealed.

NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

NEW SECTION. SECTION 4. RETROACTIVE APPLICABILITY. [THIS ACT] APPLIES RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO WORKERS' COMPENSATION CLAIMS FILED ON OR AFTER JULY 1, 2004.

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